

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**FRED MEYER STORES, INC.**

**and**

**Case 19-CA-32311**

**UNITED FOOD AND COMMERCIAL  
WORKERS LOCAL 367, affiliated with  
UNITED FOOD AND COMMERCIAL  
WORKERS INTERNATIONAL UNION**

**ORDER<sup>1</sup>**

The Respondent's Motion for Reconsideration of the Board's Decision and Order reported at 355 NLRB No. 130 (2010) is denied. The Respondent has not identified any material error or demonstrated extraordinary circumstances warranting reconsideration under Section 102.48(d)(1) of the Board's Rules and Regulations.<sup>2</sup>

Dated, Washington, D.C., February 25, 2011.

WILMA B. LIEBMAN,	CHAIRMAN
CRAIG BECKER,	MEMBER
BRIAN E. HAYES,	MEMBER

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- <sup>1</sup> The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.
  - <sup>2</sup> The Respondent's claim that it bargained with the Union in good faith with regard to the time, date, and place of negotiations was considered and rejected by the Board in the proceedings below. 355 NLRB No. 130 (2010) incorporating by reference 355 NLRB No. 30, slip op. at 1, n. 1 (2010). The Respondent's claim that its refusal to bargain was not legally significant does not create a disputed issue of fact precluding summary judgment. See Sec. 102.48(d)(1) of the Board's Rules and Regulations. To the extent that the Respondent makes a new claim that it has evidence that it did, in fact, bargain with the Union, the Respondent fails to substantiate its claim.. The Respondent does not describe the nature of the evidence it wishes to present, show how this alleged evidence is relevant to the instant matter, or suggest that it is currently bargaining with the Union. See Sec. 102.48(d)(1) of the Board's Rules and Regulations. Accordingly, reconsideration is not warranted.